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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,335	06/15/2005	Matthew Breitwisch	BUR920020012US1	7363
32074	7590	10/31/2007	EXAMINER	
INTERNATIONAL BUSINESS MACHINES CORPORATION			SCHILLINGER, LAURA M	
DEPT. 18G			ART UNIT	PAPER NUMBER
BLDG. 300-482			2813	
2070 ROUTE 52				
HOPEWELL JUNCTION, NY 12533				
MAIL DATE		DELIVERY MODE		
10/31/2007		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/539,335	BREITWISCH ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Laura M. Schillinger	2813

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 18 October 2007.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-24 is/are pending in the application.

4a) Of the above claim(s) 10-24 is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1,2,4-6 and 8 is/are rejected.

7) Claim(s) 1,3,7 and 9 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 6/15/05

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

## DETAILED ACTION

### *Election/Restrictions*

Claims 10-24 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected claims, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 10/18/07.

### *Claim Objections*

Claims 1 is objected to because of the following informalities: Claim 1 contains multiple transitional terms “comprising” which makes it unclear where the preamble ends and the claimed limitations begin. This further confuses what language should be afforded patentable weight. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 4-6, 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Hu et al ('802).

Hu teaches the following claimed limitations as cited below:

1. An integrated circuit, comprising;

a first transistor (44), comprising:

a first gate region (46) comprised of a semiconductor structure on a substrate (Fig.3/4/5); and a first body region comprised of a semiconductor layer, having a first channel region (C) disposed on the first gate region (Fig.3/4/5) and a source (S) and drain (D) formed on either side of the first channel region (Fig.3/4/5); and a second transistor (42) coupled to the first transistor, comprising:

a second body region comprised of the semiconductor structure, having a second channel region (C) and a source (S) and drain (D) formed on either side of the second channel region (Fig.3/4/5); and a second gate region (46) comprised of the semiconductor layer, disposed on the second channel region (Fig.3/4/5).

(Note Fig.3 shows the source channel and drain regions which are formed but not labeled in subsequent figures 4 and 5)

2. The integrated circuit of claim 1, wherein the semiconductor structure (100, 102) comprises a silicon fin (Fig.6).

4. The integrated circuit of claim 1, wherein the drain of the first transistor is connected to the gate of the second transistor by the semiconductor layer (Fig.3/4/5).

5. The integrated circuit of claim 1, further comprising a third transistor, wherein the third transistor comprises: a third body region comprised of the semiconductor structure, having a

third channel region and a source and drain formed on either side of the third channel region; and a third gate region comprised of the semiconductor layer, disposed on the third channel region (Fig.6).

6. The integrated circuit of claim 5, wherein the gate of the first transistor is connected to the drain of the third transistor by the semiconductor structure (Fig.6).

8. The integrated circuit of claim 1, further comprising an underpass, wherein the underpass allows a portion of the semiconductor structure having a first doping type to insulatively pass under a portion of the semiconductor layer having the first doping type (Fig.2F).

***Allowable Subject Matter***

Claims 3, 7 and 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura M. Schillinger whose telephone number is (571) 272-1697. The examiner can normally be reached on M-T, R-F 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl W. Whitehead, Jr. can be reached on (571) 272-1702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

10/27/07

Laura M Schillinger  
Primary Examiner  
Art Unit 2813